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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~--In-re~~ Application of:

GIL et al

Serial No.: 09/776,871

Filed: February 6, 2001

For: System and Method for Functional Brain Mapping
and an Oxygen Saturation Difference Map
Algorithm for Effecting Same

Examiner: Devaang Shah

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTN: ANGELA D. SYKES
SPE, Technology Center 3700

[illegible]

Group Art Unit: 3737

Attorney
Docket: 01/21631

RESPONSE TO (UNDATED) COMMUNICATION

Sir:

On February 19, 2003, Applicant submitted a Petition to Accept Color Drawings/Photographs and provided the required three sets of color photographs, the required amendment to the specification and the required Petition fee of \$130. Proof of Payment from Applicants' Deposit Account on February 21, 2003 is attached.

By an undated letter signed by Angela Sykes, copy herewith attached, received with the Notice of Allowance dated May 10, 2004, Applicant was advised that the Petition was denied because it was unsigned and was not accompanied by a showing that the photographs were the only practicable medium by which to disclose the subject matter sought to be patented in the patent application.

By the attached signed Petition, Applicant is resubmitting his signed request to accept the color photographs and providing the required showing that the photographs are the only practicable medium by which to disclose the subject matter sought to be patented in the patent application.

Without the color photographs, there is no other medium to show the reduction to practice of the invention which requires showing color images. These images are similar to the "*in vivo* imaging" example set forth in 37 CFR 1.84(b)(1).

Applicant is not resubmitting the set of formal drawings and three sets for archival purposes, and assumes that they are still in the file of the above identified application.

Should the Petition fee be required again, please charge the \$130 fee and any additional fee to Deposit Account 50-1407.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sol Sheinbein', written in a cursive style.

Sol Sheinbein
Registration No. 25,457

Date: June 13, 2004

A circular stamp from the Office of Intellectual Property and Economic Development (OPEJ). The text "OPEJ" is at the top, "JUN 17 2004" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

GIL et al

Filed: February 6, 2001

Group Art Unit: 3737

Attorney
Docket: 01/21631

Examiner: Devaang Shah

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

1. This Petition is for the acceptance of color drawings/photographs, both black and white and color, in this case.

2. Previously provided were three (3) sets of color photographs on DIN size A4 sheets (21.0 by 29.7 cm) for examination, copying and archival purposes.

3. The color photographs are the only practicable medium by which the subject matter sought to be patented could be disclosed. The color photographs show the images, which prove the reduction to practice of the invention, and are similar to the “*in vivo* imaging” set forth in the examples of 37 CFR 1.84(b)(1). No other practical medium is available that would show this.

4. Please amend the specification by inserting the following language as the first paragraph of the specification beginning at Brief Description of the Drawings (page 54 at line 11):

--The file of this patent contains at least one drawings executed in color photograph. Copies of this patent with color photograph(s) will be provided by the Patent and Trademark Office upon request and payment of necessary fee. --

5. Should the \$ 130.00 be required again, please charge it and any additional fees, if required, to Deposit Account **50-1407**.

Respectfully submitted,

Sol Sheinbein
Registration No. 25,457

Date: June 13, 2004



UNITED STATES
PATENT AND
TRADEMARK OFFICE



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

G.E. EHRLICH (1995) LTD.
c/o ANTHONY CASTORINA
SUITE 207
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

In re application of: :
Amir Gil et al. :
Serial No.: 09/776,871 :
Filed: February 6, 2001 :
For: System and Method for Functional Brain :
Mapping and an Oxygen Saturation :
Difference Map Algorithm for Effecting Same :

A Petition Under 37 CFR 1.84(b)(2) for Submission of Color Drawings/Photographs, both black and white and color, was submitted in connection with the above-identified application on February 19, 2003. The petition was not accompanied by a showing that the photographs are the only practicable medium by which to disclose the subject matter sought to be patented in the patent application. Furthermore, the Petition has not been signed. Accordingly, the photographs are not acceptable.

The petition is Denied.

Angela D. Sykes
SPE, Technology Center 3700



United States Patent and Trademark Office

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Page**Deposit Account Statement**

Requested Statement Month: February 2003
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Address: 2001 JEFFERSON DAVIS HIGHWAY
City: ARLINGTON
State: VA
Zip: 22202

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/03	33	E-REPLENISHMENT		9203	-\$5,000.00	\$8,410.00
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02/03	79	60413552	25138	8021	\$40.00	\$8,170.00
02/03	80	60397780	02/23768	8021	\$40.00	\$8,130.00
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02/03	108	10283343	25195	2202	\$1,350.00	\$6,092.00
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02/03	114	PCT/IL02/00529	02/23752	1705	\$146.00	\$5,456.00
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START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$3,410.00	\$37,617.00	\$40,055.00	\$5,848.00

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